

REFERENCE TITLE: retail sales; overcharge; damages

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2665**

Introduced by  
Representatives Farley: Barnes, Boone, Burns J, Clark, Crandall, McLain,  
Nelson, Senators Bee, Verschoor

### **AN ACT**

**AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22;  
RELATING TO RETAIL SALE PRICING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Title 44, chapter 9, Arizona Revised Statutes, is amended  
3 by adding article 22, to read:

4                   ARTICLE 22. RETAIL SALE PRICING

5                  44-1378. Sale at retail: pricing: notice: damages

6                  A. THIS SECTION APPLIES TO A SALE AT RETAIL IF ALL OF THE FOLLOWING  
7 APPLY:

8                  1. THERE IS A PRICE STAMPED ON OR AFFIXED TO THE ITEM OR THERE IS A  
9 PRICE FOR THE ITEM AFFIXED TO A SHELF ON WHICH THE ITEM IS PLACED.

10                 2. THE SALE IS RECORDED BY AN AUTOMATIC CHECKOUT SYSTEM.

11                 3. THE BUYER IS GIVEN A RECEIPT THAT DESCRIBES THE ITEM AND STATES THE  
12 PRICE CHARGED FOR THE ITEM.

13                 B. BEFORE BRINGING OR JOINING IN AN ACTION PURSUANT TO SUBSECTION C  
14 FOR A LOSS PURSUANT TO THIS SECTION, WITHIN THIRTY DAYS AFTER PURCHASING AN  
15 ITEM A BUYER WHO SUFFERS LOSS BECAUSE THE PRICE CHARGED FOR THE ITEM IS MORE  
16 THAN THE PRICE STAMPED ON OR AFFIXED TO THE ITEM OR THE SHELF SHALL NOTIFY  
17 THE SELLER IN PERSON OR IN WRITING THAT THE PRICE CHARGED IS MORE THAN THE  
18 PRICE STAMPED OR AFFIXED. THE NOTICE SHALL INCLUDE EVIDENCE OF THE LOSS  
19 SUFFERED BY THE BUYER. IF, WITHIN TWO DAYS AFTER RECEIPT OF THE  
20 NOTIFICATION, THE SELLER TENDERS TO THE BUYER AN AMOUNT EQUAL TO THE  
21 DIFFERENCE BETWEEN THE PRICE STAMPED OR AFFIXED AND THE PRICE CHARGED PLUS AN  
22 AMOUNT THAT IS EQUAL TO TEN TIMES THE DIFFERENCE BUT THAT IS AT LEAST ONE  
23 DOLLAR AND NOT MORE THAN FIVE DOLLARS, THE BUYER IS BARRED FROM ANY FURTHER  
24 RECOVERY FOR THAT LOSS. IF THE LOSS IS SUFFERED BY ONE BUYER WITHIN ONE  
25 TRANSACTION ON TWO OR MORE IDENTICAL ITEMS, THE AMOUNT TO BE TENDERED BY THE  
26 SELLER SHALL BE THE DIFFERENCE ON EACH ITEM, PLUS AN AMOUNT THAT IS EQUAL TO  
27 TEN TIMES THE DIFFERENCE ON A SINGLE ITEM BUT THAT IS AT LEAST ONE DOLLAR AND  
28 NOT MORE THAN FIVE DOLLARS. IF THE SELLER DOES NOT PAY THE BUYER THIS  
29 AMOUNT, THE BUYER MAY BRING OR JOIN IN AN ACTION PURSUANT TO SUBSECTION C FOR  
30 A LOSS PURSUANT TO THIS SECTION.

31                 C. A PERSON WHO SUFFERS LOSS PURSUANT TO THIS SECTION MAY BRING AN  
32 ACTION TO RECOVER ACTUAL DAMAGES OR TWO HUNDRED FIFTY DOLLARS, WHICHEVER IS  
33 GREATER, FOR EACH DAY ON WHICH VIOLATIONS OF THIS SECTION HAVE BEEN FOUND,  
34 AND REASONABLE ATTORNEY FEES AND COSTS.